

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In re: William A. Davis, Debtor

)
)

Case No. 17-33965-KRH
Chapter 13

OBJECTION TO CONFIRMATION

COMES NOW Elizabeth C. Brogan, Counsel for Suzanne E. Wade, Chapter 13 Trustee, and moves this Court to deny confirmation of the Chapter 13 Plan dated August 17, 2017, for the cause as follows:

1. The Debtor filed this Chapter 13 Petition, now pending in the United States Bankruptcy Court, Eastern District of Virginia, Richmond Division, on August 7, 2017 under 11 U.S.C. Chapter 13.
2. This Objection is filed pursuant to 11 U.S.C. § 1325(b)(1)(B).
3. The above-filed Chapter 13 case is not eligible for confirmation due to the Debtor's failure to accurately describe his current monthly income in Schedule I and Form 122C. Based upon paystubs submitted by the Debtor to the Trustee, the Trustee would suggest the Debtor receives a weekly salary of \$902.31, or approximately \$3,910.01 monthly, from his full-time employment; as well as approximately \$997.00 monthly from his part-time employment. In contrast, the Debtor's Schedule I reflects monthly income of \$3,250.00 from this position, and \$740.00 net income from his part-time work. Form 122C-1 reflects a total monthly income of \$4,250.00.
4. The Trustee would suggest the Debtor's income is understated, and that the correction of this error would demonstrate an above-median income for the Debtor, and require the completion of Form 122C-2, and a sixty-month Plan.
5. The Trustee requests the Debtor file an amended Form 122C, and provide copies of all paystubs received in the six months prior to his bankruptcy filing. To the extent the amended Form 122C reflects an above-median income, the Trustee requests the Debtor file an amended Plan increasing the dividend paid to unsecured creditors.

WHEREFORE, for the reasons stated herein, the Chapter 13 Trustee, by Counsel, respectfully moves the Court to deny confirmation of the Debtor's proposed Chapter 13 Plan, and for such further and other relief as the Court deems necessary.

Date: September 19, 2017

/s/ Elizabeth C. Brogan

Elizabeth C. Brogan, Counsel for
Suzanne E. Wade, Chapter 13 Trustee

Elizabeth C. Brogan

Counsel for Suzanne E. Wade, Chapter 13 Trustee
Virginia State Bar Number 76539
1313 East Main Street, Suite A
Post Office Box 1780
Richmond, Virginia 23218-1780
(804) 775-0979

CERTIFICATE OF SERVICE

I hereby certify a true copy of the foregoing OBJECTION TO CONFIRMATION was served electronically or by first-class mail, postage prepaid, this 19th day of September, 2017, upon the following parties:

William A. Davis
7318 Southwind Drive
Apt 304
Chesterfield, VA 23832

Jeanne E. Hovenden, Counsel for Debtor
Jeanne E. Hovenden, P.L.L.C.
9830 Lori Road
P O Box 1839
Chesterfield, VA 23832
jehattorney@gmail.com

/s/ Elizabeth C. Brogan
Elizabeth C. Brogan, Counsel for
Suzanne E. Wade, Chapter 13 Trustee

Elizabeth C. Brogan
Counsel for Suzanne E. Wade, Chapter 13 Trustee
Virginia State Bar Number 76539
1313 East Main Street, Suite A
Post Office Box 1780
Richmond, Virginia 23218-1780
(804) 775-0979

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In re: William A. Davis, Debtor

7318 Southwind Drive, Apt. 304
Chesterfield, VA 23832

XXX-XX-9479

Case No. 17-33965-KRH
Chapter 13

NOTICE OF OBJECTION TO CONFIRMATION

Elizabeth C. Brogan, Counsel for Suzanne E. Wade, Chapter 13 Trustee, has filed papers with the Court objecting to the confirmation of your Chapter 13 Plan dated August 17, 2017.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the relief sought in the Objection, or if you want the Court to consider your views on the Objection, then on or before three (3) days before the date of the hearing, you or your attorney must:

X File with the Court, at the address shown below, a written response pursuant to Local Bankruptcy Rule 9013-1(H). If you mail your response to the Court for filing, you must mail it early enough that the Court will **receive** it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
701 East Broad Street, Suite 4000
Richmond, Virginia 23219

You must also mail a copy to:

Elizabeth C. Brogan
Counsel for Suzanne E. Wade, Chapter 13 Trustee
Post Office Box 1780
Richmond, Virginia 23218-1780

X Attend the hearing on the Objection, scheduled to be held on **September 27, 2017** at **11:10 a.m.** at **United States Bankruptcy Court, 701 East Broad Street, Room 5000, Richmond, VA 23219.**

Elizabeth C. Brogan
Counsel for Suzanne E. Wade, Chapter 13 Trustee
Virginia State Bar Number 76539
1313 East Main Street, Suite A
Post Office Box 1780
Richmond, Virginia 23218-1780
(804) 775-0979

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Objection, and may enter an order granting that relief.

Date: September 19, 2017

/s/ Elizabeth C. Brogan

Elizabeth C. Brogan, Counsel for
Suzanne E. Wade, Chapter 13 Trustee

CERTIFICATE OF SERVICE

I hereby certify a true copy of the foregoing NOTICE OF OBJECTION TO CONFIRMATION was served electronically or by first-class mail, postage prepaid, this 19th day of September, 2017, upon the following parties:

William A. Davis
7318 Southwind Drive
Apt 304
Chesterfield, VA 23832

Jeanne E. Hovenden, Counsel for Debtor
Jeanne E. Hovenden, P.L.L.C.
9830 Lori Road
P O Box 1839
Chesterfield, VA 23832
jehattorney@gmail.com

/s/ Elizabeth C. Brogan

Elizabeth C. Brogan, Counsel for
Suzanne E. Wade, Chapter 13 Trustee

Elizabeth C. Brogan
Counsel for Suzanne E. Wade, Chapter 13 Trustee
Virginia State Bar Number 76539
1313 East Main Street, Suite A
Post Office Box 1780
Richmond, Virginia 23218-1780
(804) 775-0979